

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**WENDY MCWILLIAMS, individually and on
Behalf of others similarly situated**

PLAINTIFF

Civil Action No. 3:15cv70 CWR-LRA

V.

**ADVANCED RECOVERY SYSTEMS, INC.,
and YOUNG WELLS WILLIAMS, P.A.**

DEFENDANTS

**PLAINTIFF'S UNOPPOSED RENEWED MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

Wendy McWilliams, by and through her undersigned counsel, respectfully requests that this Court certify this action as a class action and appoint her counsel as class counsel.¹ Defendants Young Wells Williams, P.A. and Advanced Recovery Systems, Inc. do not oppose this relief.²

1. As set forth in more detail in the accompanying memorandum of law, Ms. McWilliams respectfully requests that this Court certify the following two classes of Mississippi consumers:

The Notice Class

All persons located in the State of Mississippi to whom, between February 4, 2014 and February 4, 2015, Young Wells Williams, P.A. sent an initial written communication in connection with an attempt to collect any purported consumer debt owed to Advanced Recovery Systems, Inc.

¹ Ms. McWilliams filed her initial motion for class certification on March 27, 2015. ECF No. 10. Ms. McWilliams then moved to continue ruling on her class certification motion until she could sufficiently develop the factual record. ECF No. 12. On May 18, 2015, the Court granted the motion to continue and stayed briefing on the motion to certify.

² While Defendants do not oppose class certification, they maintain that there is no liability and that judgment should be entered in their favor, for the reasons set forth in Defendants' summary judgment papers.

The Lawsuit Class

All persons located in the State of Mississippi to whom, between February 4, 2014 and February 4, 2015, Young Wells Williams, P.A. sent a summons, as part of a lawsuit filed against such person to collect a debt owed to Advanced Recovery Systems, Inc.

2. Rule 23 of the Federal Rules of Civil Procedure governs class certification. Under Rule 23, the party seeking certification must first demonstrate that: (1) the classes are so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the classes; (3) the claims or defenses of the representative party are typical of the claims or defenses of the classes; and (4) the representative party will fairly and adequately protect the interests of the classes. Fed. R. Civ. P. 23(a).

3. The party seeking certification must then show that at least one of the following three conditions is satisfied: (1) the prosecution of separate actions would create a risk of: (a) inconsistent or varying adjudications, or (b) individual adjudications dispositive of the interests of other members not a party to those adjudications; (2) the party opposing the class has acted or refused to act on grounds generally applicable to the class; or (3) the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Fed. R. Civ. P. 23(b).

4. Ms. McWilliams respectfully submits that the proposed classes each satisfy the requirements of Rule 23(a) and (b)(3) and that her counsel—Greenwald Davidson Radbil PLLC—satisfies the requirements of Rule 23(g) and should be appointed as class counsel.

5. More specifically, each proposed class contains hundreds of members, making joinder impracticable. Moreover, common questions of law and fact predominate over any individual questions. And Ms. McWilliams, who is an ideal class representative, asserts claims

that are typical of—and identical to—those of the proposed class members. Finally, a class action is the superior method to adjudicate this controversy.

6. Ms. McWilliams submits the following exhibits in support of her motion for class certification and appointment of class counsel:

- a. A true and correct copy of Young Wells Williams, P.A.'s Responses to Plaintiff's First Set of Interrogatories is attached hereto as **Exhibit 1**.
- b. A true and correct copy of the Declaration of Wendy McWilliams in Support of Her Renewed Motion for Class Certification and Appointment of Class Counsel is attached hereto as **Exhibit 2**.

7. As set forth more fully in Ms. McWilliams's contemporaneously filed memorandum of law in support of her motion for motion for class certification and appointment of class counsel, the Court should certify this matter as a class action.

8. Accordingly, based upon the foregoing, the attached exhibits, and the memorandum of law in support hereof, Ms. McWilliams respectfully requests that the Court grant her motion for class certification and appointment of class counsel. As noted, Young Wells Williams, P.A. and Advanced Recovery Systems, Inc. do not oppose the requested relief.

WHEREFORE, Wendy McWilliams respectfully requests that this Court certify this matter as a class action and appoint her counsel as class counsel.

Dated: August 20, 2015

Respectfully Submitted,

/s/ Michael L. Greenwald
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Local Counsel for Plaintiff and the proposed classes

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been electronically filed on August 20, 2015 via
the Court Clerk's CM/ECF system, which will provide notice to all counsel of record:

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